



December 23, 2011

Via Electronic Submission

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th St., SW, Room TW-A325
Washington, DC 20554

**Re: Ex Parte Communication
WC Docket Nos. 10-90, 07-135, 05-337, 03-109; GN Docket No. 09-51;
CC Docket Nos. 01-92 and 96-45; and WT Docket No. 10-208**

Dear Ms. Dortch:

On December 20, 2011, the Minnesota Independent Equal Access Corporation (“MIEAC”) filed an *ex parte* letter in the above-captioned proceedings regarding its inability to identify intraMTA LEC-CMRS traffic that will be subject to bill-and-keep as of December 29, 2011.¹ In this letter, MIEAC has requested that bill-and-keep for this traffic be held “in abeyance until these technical issues can be resolved,” or at least be deferred until July 1, 2012.² MIEAC’s request should be denied.

Due to the inherently mobile nature of CMRS service, MIEAC is correct that it cannot determine whether a LEC-CMRS call is intraMTA or interMTA based on the calling and called number alone. This issue, however, has been addressed by carriers since the adoption of 47 C.F.R. 51.701 in 1996, applying reciprocal compensation rates rather than access rates to all traffic exchanged with a CMRS carrier within the same MTA. Although there are several ways of addressing this issue, where interconnected parties have determined that traffic volumes warranted differentiated intraMTA and interMTA rates, the carriers have traditionally negotiated an interMTA factor, which is similar to the use of Percent Interstate Usage (PIU) factors by interexchange carriers. The factor approach has been widely used, for many years, in many situations where an originating or terminating party cannot determine the jurisdiction of a call; indeed, many of Sprint’s interconnection agreements specifically require us to provide an interMTA factor to enable an interMTA contract rate to be assessed on this type of traffic. (Of course, the problem of differentiated rates will be ameliorated as the industry transitions to full bill-and-keep.)

MIEAC also complains of technical problems involving calls that originate over a CMRS network, are transported using an IXC, and terminate to rural incumbent LECs via MIEAC’s access tandem. For such calls, MIEAC states that it bills the IXC based on the intrastate/interstate jurisdiction of the call.³ Here again, the solution is simple. To the extent a tandem

¹ See letter from Thomas Jones and Nirali Patel, Willke Farr & Gallagher, counsel for MIEAC, to Marlene Dortch, FCC.

² *Id.*, p. 2.

³ *Id.*

provider has differentiated tandem switching rates based upon the jurisdiction of the call, if an IXC wishes to ensure that intraMTA calls that it is transporting on behalf of a CMRS carrier are correctly billed at rates applicable to transiting reciprocal compensation traffic, it can provide MIEAC with a factor identifying the percentage of its traffic that is intraMTA transit traffic.

Because the factor approach effectively addresses MIEAC's concerns here, there is no basis for delaying the effective date of bill-and-keep for non-access LEC-CMRS traffic. Because of the public interest benefits resulting from bill-and-keep, requests for delays such as that proposed by MIEAC should be dismissed.

Pursuant to Section 1.1206 of the Commission's Rules, a copy of this letter is being filed electronically in the above-referenced dockets. If you have any questions, please feel free to contact me at (703) 433-4503.

Sincerely,

/s/ Norina T. Moy

Norina T. Moy
Director, Government Affairs

c: Victoria Goldberg
Rebekah Goodheart
Joseph Levin
Albert Lewis